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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/817,336	04/02/2004	Naomi Matsumoto		3306

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EXAMINER

WONG, STEVEN B

ART UNIT	PAPER NUMBER
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3711

DATE MAILED: 03/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/817,336	Applicant(s) MATSUMOTO, NAOMI	
	Examiner Steven Wong	Art Unit 3711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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Specification

1. The disclosure is objected to because of the following informalities: the specification appears to be a direct translation from a foreign application. The specification contains numerous grammatical errors. For example, on page 1, lines 4 and 5, the language “where it folded up” is inapt; lines 8-10, the language “joined in the state which the center piece of puzzle sheet already clipped” is inapt.

On page 5, lines 21, the reference to the claims is improper and should be deleted.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 4/1 are rejected under 35 U.S.C. 103(a) as being unpatentable over Polsky (5,445,380) in view of Pistorius (2,012,400). Regarding claim 1, Polsky discloses a folding picture puzzle comprising a plurality of score lines joining pieces that are folded to provide a drawing. The score lines comprise fold lines and cut lines. However, Polsky lacks the teaching for the cut lines to comprise a perforated line.

Pistorius reveals a folded toy comprising a plurality of fold lines (8-12). Pistorius also provides lines that may be perforated, dotted cut lines or actual cut slits. Thus, it would have been obvious to one of ordinary skill in the art to replace the cut lines of Polsky with a perforated line in order to allow the user to perform the cut and facilitate that cutting along the line.

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Regarding claim 4, Polsky discloses various sized puzzle bodies for folding to form a particular design. It would have been obvious to one of ordinary skill in the art to form the puzzle body of Polsky as a 3x3 body in order to simplify the construction of the puzzle.

4. Claims 2, 4/2 and 5/2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matos (5,735,520) in view of Pistorius (2,012,400). Matos reveals a folding puzzle construction including a puzzle body (note Figures 2a-2f) having a plurality of score lines and a hole in the middle of the body. The pieces are folded about the score lines to provide a particular drawing or design. Figures 2a, 2b, 2c, 2e and 2f of Matos disclose cut lines to assist in the folding of the center part of the puzzle body. Figure 2d of Matos discloses the center part being completely removed from the puzzle body.

It would have been obvious to one of ordinary skill in the art to form the puzzle body of Matos with the center part having perforated cut lines in order to permit its removal from the puzzle body as shown by Figure 2d of Matos.

Regarding claim 4, Matos provides lines that extend both horizontally and longitudinally.

Regarding claim 5, it would have been obvious to one of ordinary skill in the art to provide a different description on the center part of the puzzle body of Matos in order to indicate to the user that this piece is intended to be removed.

5. Claims 3, 4/3 and 5/3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matos (5,735,520) in view of Pistorius (2,012,400) and Polsky (5,445,380). It would have been obvious to one of ordinary skill in the art to provide the puzzle body of Matos as modified above by Pistorius with a perforated line in the outer circumferential part of the puzzle body in order to permit the puzzle body to be folded in an alternative way to form a particular design.

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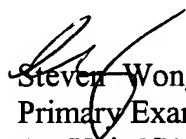
Regarding claims 4 and 5, note the rejections of claims 4 and 5 over the combination of Matos in view of Pistorius.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Wong whose telephone number is 571-272-4416. The examiner can normally be reached on Monday through Friday 7am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich can be reached on 571-272-4415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Steven Wong
Primary Examiner
Art Unit 3711

SBW
February 22, 2005